

**PUBLIC CHAPTER NO. 1008**

**HOUSE BILL NO. 649**

**By Representatives Mike Turner, Maddox, Hardaway**

**Substituted for: Senate Bill No. 1382**

**By Senator Haynes**

AN ACT to amend Tennessee Code Annotated, Title 5; Title 6; Title 7; Title 13 and Title 68, relative to secured access gate systems.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 13, is amended by adding Sections 2 through 8 of this act as a new chapter.

SECTION 2. The provisions of this act shall apply to any gated facility or community, whether residential, commercial or industrial, approved for or constructed after the effective date of this act and the installation of any new or replacement security gate or barrier at any existing gated facility or community after the effective date of this act.

SECTION 3. As used in this act, unless the context otherwise requires:

(1) "Access road" means a vehicular access roadway greater than or equal to twenty-four (24) feet in width;

(2) "Authority" means a governing body identified in Section 4;

(3) "Gated facility or community" means a multifamily residential property or commercial or industrial development or compound that has a security gate or barrier to block the entrance to the facility or community from a public street to a private street, parking lot or driveway of such facility or community;

(4) "Security gate or barrier" means a gate or barrier, electrically operated, that controls the passage of authorized vehicles and persons from a public street to access roads, driveways or parking lots of the gated facility or community;

(5) "Driveway" means a vehicular access roadway less than twenty-four (24) feet in width and serving no more than two (2) single-family dwellings;

(6) "Radio operated controller" means a device used to operate a security gate or barrier that is equipped with a radio receiver capable of

receiving signals from a police department, sheriff's department (if the gated facility or community is in the county), fire department, utility and emergency medical services' radio transceivers which allow emergency responders and other necessary on-duty employees to open the security gate or barrier or blocking device by use of such equipment.

SECTION 4. The following authorities, as applicable, shall be responsible for reviewing all plans for the installation or replacement of security gates or barriers at gated facilities or communities to ensure that each gated facility or community complies with the provisions of this act,:

(1) The regional planning commission, created pursuant to title 13, chapter 3;

(2) The municipal planning commission designated as a regional planning commission, created pursuant to title 13, chapter 3;

(3) A community planning commission created pursuant to title 13, chapter 3;

(4) The municipal planning commission, created pursuant to title 13, chapter 4;

(5) County or municipal zoning boards, created pursuant to title 13, chapter 7; and

(6) The county or municipal legislative body if none of the agencies identified in subdivision (1) one through (5) has been created within the county or municipality, as applicable; provided that such legislative bodies shall identify an official to review all plans for the installation or replacement of security gates or barriers at gated facilities or communities within their jurisdictions for compliance with this act and report the findings of the official to the legislative body for its action.

#### SECTION 5.

After the effective date of this act, prior to the installation or replacement of a security gate or barrier at a gated facility or community, the developer or owner shall obtain a security gate or barrier permit from the authority having jurisdiction in the area where the security gate or barrier is to be replaced or installed. A permit shall only be issued for a security gate or barrier meeting the requirements of this act. Prior to any changes, alterations or blocking of private streets, plans detailing such change accompanied by drawings, shall be submitted to the authority having jurisdiction over the gated facility or community for approval. A county or municipal building or codes inspector shall inspect all such installations. Such inspections of security gates or barriers shall be conducted at the same time as other inspections of the gated facility or community are performed by a county or municipal building or codes inspector.

SECTION 6. All security gates or barriers shall be equipped with a radio operated receiver/controller capable of receiving signals from a police department, sheriff's department (if the gated facility or community is in the county), fire department, utility and emergency medical services' radio transceivers serving the gated facility or community which allow emergency responders and other necessary on-duty employees to open the security gate or barrier by use of such equipment.

All security gates or barriers must meet policies deemed necessary by the authority having jurisdiction over the gated facility or community for rapid, reliable, and mutual aid access.

Such equipment shall be furnished, installed and maintained by the gated facility or community that is served by such equipment.

#### SECTION 7.

(a) The maintenance and upkeep of any security gate or barrier shall be the sole responsibility of the developer, owner or any duly incorporated and active association having jurisdiction of the gated facility or community.

(b) Inoperative security gates or barriers shall be repaired immediately. Inoperative gates shall be locked in the open position until repairs are made. Abandoned gates shall be permanently locked in the open position.

SECTION 8. The party or parties controlling the operation and maintenance of the security gate or barrier shall be liable for any damages caused by the improper operation of the security gate or barrier.

SECTION 9. This act shall take effect upon becoming a law, the public welfare requiring it.

**PASSED: May 7, 2008**

  
JIMMY NAIFEH, SPEAKER  
HOUSE OF REPRESENTATIVES

  
RON RAMSEY, SPEAKER  
SENATE OF THE SENATE

**APPROVED this 22nd day of May 2008**



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PHIL BREDESEN, GOVERNOR